

Section 3 - Sample Provision Excerpt (Public Preview)

Antennae. Without prior written approval and the authorization of the Board of Directors, no exterior television or radio antennas of any sort (including satellite dish antennae) shall be placed, allowed or maintained upon any portion of the improvements on a Lot nor upon any Lot in the Property other than an aerial for a master antenna system operated by...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 3 (p. 13): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 209.00592

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast...

CURRENT WORDING IN DOCUMENT:

Antennae. Without prior written approval and the authorization of the Board of Directors, no exterior television or radio antennas of any sort (including satellite dish antennae) shall be placed, allowed or maintained upon any portion of the improvements on a Lot nor upon any Lot in the Property other than an aerial for a master antenna system operated by...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennae. Without prior written approval and the authorization of the Board of Directors, no exterior television or radio antennas of any sort (including satellite dish antennae) shall be placed, allowed or maintained upon any portion of the improvements on a Lot nor upon any Lot in the Property other than an aerial for a master antenna system operated by or through the Association, should any...